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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,501	06/30/2000	Vinu Sunderasan	COVDP008	2138

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EXAMINER
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DUONG, THOMAS

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/608,501

Applicant(s)

SUNDERASAN ET AL.

Examiner

Thomas Duong

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Amendment received November 6, 2006 has been entered into record. *Claims 1-33* remain pending.

### ***Response to Amendment***

3. This office action is in response to the applicants Amendment filed on November 6, 2006. Applicant amended *claims 1, 8, 14 and 24* and canceled *claims 34-36*. *Claims 1-33* are presented for further consideration and examination.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-6, 14-19, and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilles et al. (US006249578B1) and in view of Liu et al. (US006785325B1).

6. With regard to claims 1, 14, and 24, Gilles discloses,

- electronically receiving a request message relating to the high speed network access service, the high speed network access service comprises digital subscriber line technology, from a first service provider by a second service provider of the high speed network access service via a network, the first and second service providers cooperating to provide high speed network access service to an end subscriber, the cooperating includes after the high speed network access service is established and includes the high speed network access service itself, the first and second service providers respectively is one from a group consisting of: (i) a competitive local exchange carrier (CLEC) and an incumbent local exchange carrier (ILEC); (ii) an ILEC and a CLEC; (iii) an internet service provider (ISP) and a CLEC; or (iv) a CLEC and an ISP; (Gilles, col.3, lines 1-61; col.6, lines 31-50; col.7, lines 3-16)

Gilles discloses, "gathering customer information during a pre-ordering process. This is typically preformed by the reseller in response to a customer inquiry or request for a service" (Gilles, col.6, lines 31-34); and "once validated, the information is communicated from the reseller to the wholesaler... This may be accomplished using a dedicated or direct connection between the reseller and the wholesaler" (Gilles, col.7, lines 3-6). Hence, Gilles teaches of sending a request for service from the reseller of the network to the wholesaler of the network responding to the end user's request. In addition, Gilles discloses, "a

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*telecommunications reseller 50 interfaces with end users or customers 52, 54 to provide various retail telecommunications products and services 56 such as caller ID 58, remote access call forwarding 60, and call waiting 62, for example. Reseller 50 provides the customer service functions including invoicing, collections, service inquiries, new telephone numbers, directory listings, and the like" (Gilles, col.3, lines 19-25). Also, Gilles discloses, "the reseller would use this transaction set to request telecommunications services from the wholesaler. Preferably, the purchase order is used to request any of the following types of services, each based on unique transaction identifiers contained within the transaction set: telephone number inquiries, reservations, reservation cancellations, and reservation confirmations; due date inquiries, reservations, reservation cancellations, and reservation confirmations; customer service record requests; and service requests" (Gilles, col.5, lines 6-15). Hence, Gilles teaches of the reseller obtaining plurality of types of services from the wholesaler and offering those same services to the end user or customer. Thus, in effect, the reseller and wholesaler are cooperating to provide network access services to the end user or customer. Furthermore, the fact remains that the actual network access offered by the reseller is ultimately provided over service purchased from the wholesaler. Thus, again, the reseller and the wholesaler are cooperating to provide network access services to the end user. Even more, Gilles specifically discloses, "once a relationship has been established between reseller 50 and wholesaler 22, reseller 50 receives regular transmissions of a feature availability file 200 and address validation file 202 for subsequent use in processing customer orders. When reseller 50 receives an order or inquiry from a customer,*

*reseller 50 initiates an electronic request to the wholesaler 22*", in order to fulfill the end user or customer's request or inquiry (Gilles, col.7, lines 39-46).

Therefore again, this is an example of the reseller and the wholesaler cooperating to provide network access services to the end user.

- *processing the request message from the first service provider automatically upon the receiving using a computer system to automatically generate a response message to the request message by the second service provider; and* (Gilles, col.7, line 17 – col.8, line 30; col.10, lines 33-53; col.13, line 65 – col.14, line 11)

Gilles discloses, *"the appropriate information is then automatically transferred to the wholesaler's internal order system as represented by blocks 486 and 488.*

*The order is processed and a response is generated, translated using the standard transaction set, and transmitted to the reseller"* (Gilles, col.14, lines 4-8). Hence, Gilles teaches of automatically processing the request message from the reseller and automatically generating a response from the wholesaler and transmitting the response to the reseller.

- *electronically transmitting the response message from the second service provider to the first service provider via the network automatically upon completion of the processing,* (Gilles, col.7, line 17 – col.8, line 30; col.10, lines 33-53; col.13, line 65 – col.14, line 11)

Gilles discloses, *"the appropriate information is then automatically transferred to the wholesaler's internal order system as represented by blocks 486 and 488.*

*The order is processed and a response is generated, translated using the standard transaction set, and transmitted to the reseller"* (Gilles, col.14, lines 4-

8). Hence, Gilles teaches automatically processing the request message from the reseller and automatically generating a response from the wholesaler and transmitting the response to the reseller.

- *wherein the processing of the request message by the second service provider utilizes a predefined request document tag definition and the generating of the response message by the second service provider utilizes a predefined response document tag definition.* (Gilles, col.1, lines 23-44; col.2, lines 53-67; col.6, line 56 – col.7, line 2; col.11, lines 5-7; col.14, lines 36-39)

Gilles discloses, *“the development of transaction sets particularly suited for telecommunications services and products provides a standard method for electronic ordering where external access to dynamic data is required”* (Gilles, col.2, lines 59-63). According to Gilles, *“the CSR [Customer Service Record] interface uses the Flexible Communications Interface Format (FCIF) developed by Bellcore. This format uses a tag value methodology”* (Gilles, col.11, lines 5-7).

However, Gilles does not explicitly disclose,

- *electronically receiving a request message relating to the high speed network access service, the high speed network access service comprises digital subscriber line technology, from a first service provider by a second service provider of the high speed network access service via a network, the first and second service providers cooperating to provide high speed network access service to an end subscriber, the cooperating includes after the high speed network access service is established and includes the high speed network access service itself, the first and second service providers respectively is one from a group consisting of: (i) a competitive local exchange carrier (CLEC) and*

an incumbent local exchange carrier (ILEC); (ii) an ILEC and a CLEC; (iii) an internet service provider (ISP) and a CLEC; or (iv) a CLEC and an ISP;

Liu teaches,

- *electronically receiving a request message relating to the high speed network access service, the high speed network access service comprises digital subscriber line technology, from a first service provider by a second service provider of the high speed network access service via a network, the first and second service providers cooperating to provide high speed network access service to an end subscriber, the cooperating includes after the high speed network access service is established and includes the high speed network access service itself, the first and second service providers respectively is one from a group consisting of: (i) a competitive local exchange carrier (CLEC) and an incumbent local exchange carrier (ILEC); (ii) an ILEC and a CLEC; (iii) an internet service provider (ISP) and a CLEC; or (iv) a CLEC and an ISP; (Liu, col.1, lines 14-56)*

Liu discloses, “recent technology advances have allowed the use of the existing copper wire subscriber loop to carry traffic at increased bandwidths. Now, through the use of digital subscriber line (DSL) technology, the existing subscriber loop, typically terminated at a central office (CO), may be used to carry broad band data. In fact, several DSL variants have been developed. These include HDSL, IDSL, SDSL, RADSL, and ADSL (collectively often referred to as xDSL)” (Liu, col.1, lines 14-23). Hence, Liu teaches of the use of DSL among other DSL variants to carry broadband traffic from the customer premise to the central office. Liu discloses, “in view of the ability to provide two distinct



*services over a single loop, it has now become possible for two separate service providers to provide POTS and DSL services independently. In fact, recent regulatory changes in some jurisdictions have mandated existing owners of the subscriber loops provide access to competitive service providers. As a result Incumbent local exchange carriers ('ILEC's) typically lease space to competitive service providers (known as competitive local exchange carrier ('CLEC') within a CO, and provide access to DSL or POTS ports of installed CO splitters" (Liu, col.1, lines 46-56). Hence, Liu teaches of the ILECs leasing CO space and providing access to DSL or POTS ports to CLECs, so that the CLECs can compete with the ILECs to provide these services to end-users.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Liu with the teachings of Gilles to solve *"the demand for high bandwidth data services to customer premises [that] has increased dramatically"* (Liu, col.1, lines 14-15) through *"the use of digital subscriber line (DSL) technology ... to carry broad band data"* (Liu, col.1, lines 18-21) to the end subscribers.

7. With regard to claims 2, 15 and 25, Gilles and Liu disclose,

- *wherein the processing of the request message determines a type with which the request message is associated, the type is selected from the group consisting of service availability, DSL service, order entry, order status, order summary, trouble ticket entry, trouble ticket status, and trouble ticket summary (Gilles, col.5, lines 3-26; col.7, line 61 – col.8, line 30)*

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8. With regard to claims 3-6, 16-19, and 26-29, Gilles and Liu disclose,

- *wherein the processing of the request message utilizes the predefined request document tag definition corresponding to the request message type. (Gilles, col.5, lines 3-26; col.7, line 61 – col.8, line 30)*
- *wherein the generating of the response message generates the response message in conformity to the predefined response document tag definition corresponding to the response message type and associates the response message with the request message type. (Gilles, col.5, lines 3-26; col.7, line 61 – col.8, line 30)*
- *wherein the processing of the request message includes determining from the request message values for request parameters corresponding to the message type. (Gilles, col.5, lines 3-26; col.7, line 61 – col.8, line 30)*
- *wherein the generating of the response message includes associating the response message with said message type and incorporating into the response message values for response parameters corresponding to said message type. (Gilles, col.5, lines 3-26; col.7, line 61 – col.8, line 30)*

9. Claims 7-13, 20-23, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilles et al. (US006249578B1), in view of Liu et al. (US006785325B1), and further in view of Chen et al. (US006507856B1).

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10. With regard to claims 7 and 8, Gilles and Liu disclose,

See *claim 1* rejection as detailed above.

However, Gilles and Liu do not explicitly disclose,

- *wherein, where the request message includes at least one sub-request, the generating of the response message includes generating the response message with at least one sub-response, each sub-response corresponding to one of at least one sub-request.*
- *wherein the generating of the response message includes associating each sub-response with a identification code associated with the corresponding sub-request.*

Chen teaches,

- *wherein, where the request message includes at least one sub-request, the generating of the response message includes generating the response message with at least one sub-response, each sub-response corresponding to one of at least one sub-request (Chen, col.2, lines 29-42; fig.7-8; col.3, line 37 - col.4, line 39)*
- *wherein the generating of the response message includes associating each sub-response with a identification code associated with the corresponding sub-request. (Chen, col.2, lines 29-42; col.3, line 37 - col.4, line 39; fig.7-8)*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Chen with the teachings of Gilles and Liu to enable additional data retrieval or formatting implementations to be quickly and easily added into the computing environment, providing greater flexibility in the manner in which data can be presented, and possible increasing overall

system throughput and alleviating potential processing bottlenecks. Furthermore, it makes changes less error-prone because it is more likely that all the code needing change will be located, and will therefore be changed.

11. With regard to claims 9, 20 and 30, Gilles, Liu, and Chen disclose,
  - *wherein the processing of the request message includes decoding the request message from extensible markup language (XML) and the generating of the response message includes encoding the response messages in XML* (Chen, col.2, lines 29-42; col.3, line 37 - col.4, line 39; fig.7-8)
12. With regard to claims 10-13, 21-23 and 31-33, Gilles, Liu, and Chen disclose,
  - *wherein each predefined response and request document tag definition is associated with a message document header tag definition, corresponding one of a request and response message header tag definition and a message body tag definition* (Chen, col.2, lines 29-42; col.3, line 37 - col.4, line 39; fig.7-8)

### **Response to Arguments**

13. Applicant's arguments with respect to *claims 1, 14, and 24* have been considered but they are not persuasive.
14. With regard to claims 1, 14, and 24, the Applicants point out that:
  - *Instead, a reseller in Gilles packages the services of the wholesaler and interfaces with retail customers to provide those services* (Gilles, col. 3, lines 19-35). As a result, the claimed invention is not disclosed by Gilles because Gilles

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*neither discloses communication between a CLEC and an ILEC nor discloses communication between a CLEC and ISP.*

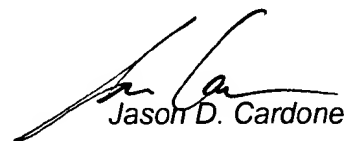
However, the Examiner finds that the Applicants' arguments are not persuasive because Gilles discloses, that the communication between the reseller and the wholesaler "[conforms] to the Transmission Control Protocol/Internet Protocol (TCP/IP)" (Gilles, col.3, lines 51-52). Gilles discloses, "depending upon the particular bandwidth requirement of reseller 50, i.e., the quantity, complexity, and frequency of transactions between reseller 50 and wholesaler 22, a particular class of circuit 42 is selected and installed. This may include DS0 (Digital Service Level 0-56Kbps)/DS1 (Digital Service Level 1-1.5Mbps) 90, T1 92, frame relay 94, or the like" (Gilles, col.3, lines 55-61). Hence, Gilles teaches of the wholesaler providing the reseller with the appropriate equipment for the desired bandwidth requirements.

### **Conclusion**

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)

December 8, 2006



Jason D. Cardone

Supervisory PE (AU2145)